



IN THE  
**Supreme Court of the United States**

---

No. 77-348

---

**RICHARD T. TRACY, SR.**

Petitioner,

v.

**RODGER A. GOLSTON, ET AL.,**

Respondents.

---

ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT AND THE ARIZONA  
SUPREME COURT

---

REPLY TO RESPONDENTS' BRIEF IN OPPOSITION

---

**RICHARD T. TRACY, SR.**

7437 North 7th Street  
Phoenix, Arizona 85020

*Petitioner Pro Se*  
*Attorney for Petitioner*

IN THE  
**Supreme Court of the United States**

---

No. 77-348

---

RICHARD T. TRACY, SR.

Petitioner,

v.

RODGER A. GOLSTON, ET AL.,

Respondents.

---

ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT AND THE ARIZONA  
SUPREME COURT

---

REPLY TO RESPONDENTS' BRIEF IN OPPOSITION

---

ARGUMENT

Respondents' success to date attributable to a number of tribunals having departed from the usual and accepted course of judicial proceedings, advance in their Brief in opposition the principal argument that to grant the writ requested in the Petition would be a departure from the normal appellate proceedings. In drafting Rule 19(b), the United States Supreme Court Rules, this Court undoubtedly considered the constitutional responsibility to exercise its power of supervision over the courts of this nation would require such

departure from the normal appellate process. Exercise of this Court's supervisory powers is mandated by the Constitution when members of the judiciary become the aggressors and assume positions and powers unrelated to the judicial role as in the case at hand and are sheltered by others in the judiciary.

Seeking to vest the national judicial power, Alexander Hamilton assured concerned citizens that the "least dangerous" branch of government was the judiciary. Hamilton, in Federalist No. 78, assumed *a truly independent judiciary of which* "the general liberty of the citizen can never be endangered."

Interest by the public and numerous legislative branches in judicial selection, tenure, removal and independence also makes this a case of great public importance under Rule 20, United States Supreme Court Rules.

Respondents are incorrect in claiming that sound judicial economy dictates Petitioner's application be denied. There is but one transaction yet Respondents have succeeded in dividing Petitioner's claim between three separate courts and will, as they did in the District Court, argue that any possible relief lies in one of the other courts, while being sheltered by already asserted defense of privilege and immunity for official acts.

Sound judicial economy is the avoidance of a multiplicity of law suits by consolidation of actions in one court. Only at this time and in this Court can that be accomplished.

It can be seen that Respondents engage in a game. By substituting mayor for queen, monsignor for bishop, lawyer for rook, and so on, Respondents play with a full Chess set while Petitioner, a pawn, hasn't even a knight. Chess is a medieval game of maneuvering skill with men of unequal

value. Rules of Procedure, under our constitutional system, are intended to prevent justice from being checkmated and afford all men equal value.

Petitioner, unemployed for over nineteen months and in the process of relocating in Ohio where he may regain both reputation and security, seeks from this Court relief from attending numerous additional proceedings which the record will demonstrate, have to date not only conflicted with applicable decisions of this Court, but are often shrouded in secrecy and lack common courtesies usually available at the bar of justice.

The reasons to suppose that the Court of Appeals for the Ninth Circuit will not provide affirmative relief are adequately set forth in the Petition, reinforced by the continuance of Respondents' attitude which can best be described as arrogant from the outset. Petitioner consumed much time and expense briefing the case for the Ninth Circuit in good faith before the inevitable result became apparent with the filing of a sham brief and denial of his Motion for Rehearing by the Court in Banc.

Unaware of the filing or enlargement of time for filing a Brief in Opposition by Respondents concerning granting of a Writ of Certiorari to the Arizona Supreme Court, Petitioner must rest that portion of his case.

Respectfully submitted,

By Richard T. Tracy, Sr.  
Petitioner Pro Se